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United States District Court
Eastern District of New York

_____)	
Evangelos Theoharis,)	
)	
Plaintiff,)	
)	No.
- against -)	
)	
Call-a-Head Corp.,)	
)	
Defendant.)	
_____)	

Plaintiff, complaining of the Defendant by his attorney, David Abrams, Attorney at Law, respectfully set forth and allege as follows:

I. Introduction

1. This is an action for unpaid wages and overtime under the Fair Labor Standards Act; the New York Minimum Wage Act and New York Labor Law.

II. Parties

2. Plaintiff is a natural person.

3. Defendant Call-a-Head Corp. ("Defendant" or the "Employer") is a business corporation with a principle place of business in the State of New York, County of Queens.

III. Venue and Jurisdiction

4. The Court has subject matter jurisdiction over this matter in that Plaintiff asserts claim under federal law -- a claim under the Fair Labor Standards Act -- and the remaining claims are part of the same case or controversy.

5. The Court has personal jurisdiction over the Defendants in that this matter arises from the Defendants' employment of the Plaintiff in connection with its provision of services in the State of New York.

6. Venue is appropriate in that this matter in the Eastern District in that Defendant is located in the Eastern District.

IV. Background

7. At all times relevant to this complaint, the Employer operated a portable toilet and sanitation service.

8. Plaintiff was employed by the Defendant as a plumber for approximately 8 months until his employment ended in or about February of 2016.

9. While employed by the Employer, Plaintiff regularly worked in excess of 40 hours per week but was not paid overtime premiums for all of his overtime. More specifically, Plaintiff estimates that he worked an additional 4 to 5 hours per week of overtime for which he was not paid.

V. Causes of Action and Demand for Relief

Count One: Violation of New York Wage & Hour Law

10 The allegations contained in the preceding paragraphs are incorporated as if restated herein.

11. Plaintiff was an employee of the Employer within the meaning of the New York Minimum Wage Act and accompanying regulations.

12. The Employer was an employer within the meaning of those same regulations.

13. The Employer violated the above law and regulations in that it did not properly compensate Plaintiff for the hours and overtime hours he worked and provide proper notice pursuant to the Wage Theft Prevention Act.

Count Two: Violation of the Fair Labor Standards Act

14. The allegations contained in the preceding paragraphs are incorporated as if restated herein.

15. At all times relevant to this matter, the Employer had more than \$500,000 in annual revenue. Further, it had more than 1 employee who handled goods which traveled in commerce, in whole or in part.

16. Accordingly, Plaintiff was covered by the Fair Labor Standards Act.

17. The Employer violated the Fair Labor Standards Act in that it did not properly compensate Plaintiff for the hours and overtime hours he worked.

WHEREFORE Plaintiff demand judgment against the Defendant in the amount of his unpaid back wages, overtime and liquidated damages, in an amount not more than \$10,000.00 including attorneys fees and costs, and such other and further relief that the Court deems just.

Respectfully submitted,

/s/ David Abrams

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Dated: June 21, 2016
New York, New York